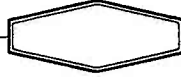


ASH GROVE CEMENT COMPANY



"WESTERN REGION"

3801 EAST MARGINAL WAY, SOUTH
SEATTLE, WA 98134
PLANT OFFICE: (206) 623-5596
FAX: (206) 623-5355

June 30, 1992

Tom Hudson
Air Pollution Inspector
Puget Sound Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA 98101

Re: Notice of Violation # 28577

Mr. Hudson

Attached please find Fuller Company's drawings for additional dedusting of the cooler hood by the excess capacity we have in the G-cooler baghouse.

I will also reiterate that there will also be the operational controls that are mentioned by Mr Sud. We will be reviewing the proper operational procedures to minimize the opportunity for dusting from the cooler hood.

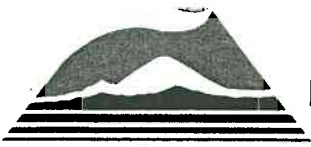
We hope that you will find our proposal acceptable for correction of this Notice of Violation. We await your sanction of this proposal prior to initiating any duct work modifications.

Sincerely,

Nathan A. Fernow
Quality Control Manager
Western Region

Enclosures: Fuller Co. Letter of 6-29-92
Drawing #135-92-5-1801, (6-19-92)

AGCS2M000850



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

June 4, 1992

Certified Mail No.: P 762-671-319

Mr. Nathan Fernow
Ash Grove Cement Company
3801 E. Marginal Way S.
Seattle, Washington 98134

RECEIVED
JUN 05 1992
AGCW - SEATTLE

Dear Mr. Fernow:

Notice of Violation No. 28577 and Corrective Action

On June 1, 1992, the Puget Sound Air Pollution Control Agency (PSAPCA) conducted an inspection of Ash Grove Cement Company's plant located at 3801 E. Marginal Way S. in Seattle, Washington. A deficiency was found which constitutes a violation of Sections 9.15(c) and (d) of PSAPCA's Regulation I. A copy of this provision is enclosed for your information.

The enclosed Notice of Violation is being issued for causing or allowing the emissions of fugitive dust (i.e., cement particulate matter) from equipment used in the manufacturing process (i.e., clinker cooler, baghouse screw conveyor and kiln raw material input port). In addition, the emissions occurred in a particulate matter non-attainment area and were of such quantities and duration as is likely to be injurious to human health.

Pursuant to Section 3.09 of Regulation I, you are required to submit a written report within ten (10) days of receipt of this letter describing the necessary corrective action you have taken or propose to take, including a schedule for implementation, in order to be in continuous compliance with Regulation I.

While we are hopeful that your corrective action plans will be acceptable to us and promptly implemented, I do want to inform you that violations of Regulation I may subject you to enforcement actions including, but not limited to, civil penalty assessments of up to \$10,000.00 per day per violation. In the case of a continuing violation, each day's continuance is considered a separate and distinct violation.

If you have any questions, please contact me at 296-5102. We look forward to receiving your response.

Sincerely,

Thomas J. Hudson
Air Pollution Inspector

TJH:am

Enclosure

cc: Mr. Cliff Word
c/o Ash Grove Cement Company
3801 E. Marginal Way S.
Seattle, WA 98134

Anita J. Frankel, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County
Vice Chairman: Tim Hill, King County Executive
Peter Hurley, Councilman, Snohomish County

Pete Kinch, Mayor, Everett
Darlene Madenwald, Member at Large
Louis Mentor, Mayor, Bremerton

Norm Rice, Mayor, Seattle
Joe Stortini, Pierce County Executive
Karen Vialle, Mayor, Tacoma

NOTICE OF VIOLATION

Date of Violation: June 1, 1992 at 2:40 pm.

Name: ① Ash Grove Cement Co. ② Fuller Company			
Source Location (Address) <u>3801 E Marginal Wy So.</u>	City <u>Seattle</u>	County <u>King</u>	Zip <u>98134</u>
Responsible Person, Owner or Agent, Title ① Nathan Fernow Quality Control ② Cliff Word			
Mailing Address <u>Mail rec'd at Ash Grove address</u>	Telephone ① <u>623-5596</u>		
① same as source ② <u>2040 Avenue C LVP</u>			
City, State, Zip ② <u>P.O. Box 2020 Lehigh Valley, PA 18001-2040</u>		Cert. Mail No. <u>P762 671 319</u> <u>P762 671 320</u>	

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

☒ REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY

- | | |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Section 3.05 (b) - Right of Entry Refused | <input type="checkbox"/> Section 9.12 <input type="checkbox"/> - Odor and Nuisance Control Measures |
| <input type="checkbox"/> Section 6.03 (a) - Installation or Modification of Equipment Without a Permit | <input checked="" type="checkbox"/> Section 9.15 (c)(d) - Fugitive Dust |
| <input type="checkbox"/> Section 8.02 <input type="checkbox"/> - Unlawful Outdoor Fire | <input type="checkbox"/> Section 9.20 <input type="checkbox"/> - Equipment Not Maintained in Good Working Order |
| <input type="checkbox"/> Section 9.03 (a) - Excess Opacity | <input type="checkbox"/> Section <input type="checkbox"/> - <input type="checkbox"/> |
| <input type="checkbox"/> Section 9.11 (a) - Detriment to Person or Property | |

WAC 173 - ☐ - ☐

Description of Violation: fugitive dust emissions were allowed to enter the ambient air by equipment used in the manufacturing process (i.e. Clinker cooler and baghouse screw conveyor and at kiln feed part). The emissions observed were of sufficient quantity and of such characteristics as is likely to be injurious to human health

Issued By [Signature]
On Behalf of Janice J. Finkbeiner
Air Pollution Control Officer

6/4/92
Date/Time

Person Receiving Notice
Signing this Notice is not an admission of guilt.

THIS VIOLATION MAY SUBJECT YOU TO PENALTIES UP TO ~~\$1,000.00~~ \$10,000.00 PER DAY OR INJUNCTIVE ACTION. EACH DAY OF A CONTINUING OR REPEATED VIOLATION IS CONSIDERED A SEPARATE AND DISTINCT VIOLATION FOR PURPOSES OF ISSUANCE OF NOTICES AND ASSESSMENT OF PENALTIES.

CORRECTIVE ACTION NOTICE

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are required to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Serving King, Kitsap, Pierce, and Snohomish Counties

EXCERPTS FROM REGULATION I**SECTION 1.07 GENERAL DEFINITIONS**

(e) **AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(l) **BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** means an emission limitation based on the maximum degree of reduction, which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable for such source through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each pollutant.

(o) **CONTROL APPARATUS** means any device which prevents or controls the emission of any air contaminant.

(r) **EMISSION** means a release into the outdoor atmosphere of air contaminants.

(u) **EQUIPMENT** means any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the atmosphere.

(v) **EQUIPMENT USED IN A MANUFACTURING PROCESS** means equipment as defined in this section in which some air contaminant emitted is caused by a manufacturing process.

(y) **FUEL BURNING EQUIPMENT** means equipment as defined in this section which produces hot air, hot water, steam or other heated fluids by external combustion of fuel.

(z) **FUGITIVE DUST** means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(oo) **PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at standard conditions.

(pp) **PERSON** means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

(xx) **REFUSE BURNING EQUIPMENT** means equipment as defined in this section employed to burn combustible refuse.

SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 9.03(a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, motor vehicles when operated on public roads, or aircraft.

(e) Section 9.03(a) shall not apply to any source which meets the requirements of Section 9.09(e).

SECTION 9.04 DEPOSITION OF PARTICULATE MATTER

It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

SECTION 9.11 EMISSION OF AIR CONTAMINANT: DETRIMENT TO PERSON OR PROPERTY

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(b) A Notice of Violation of this section may be issued based upon an affidavit from the person making the complaint and verification by the Control Officer or his duly authorized representative.

(c) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

SECTION 9.12 ODOR AND NUISANCE CONTROL MEASURES

(a) It is the policy of the Board that effective control apparatus and measures shall be installed and operated to control the emission of odor-bearing air contaminants and thereby prevent air pollution.

(b) It shall be unlawful for any person to cause or allow the emission of odor-bearing air contaminants unless such person uses the best available control technology to control the emissions.

SECTION 9.15 FUGITIVE DUST: EMISSION STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of fugitive dust unless such person uses the best available control technology to control the emissions.

(b) It shall be unlawful for any person to cause or allow a vehicle to be operated on a paved roadway open to the public:

(1) Unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, and except road construction and maintenance by public agencies.

(2) With a load of dirt, sand, gravel, or other material susceptible to being dropped, spilled, or otherwise escaping therefrom unless it is covered or has adequate freeboard so as to prevent spillage.

(3) With deposits of mud, dirt, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires.

Deposits of particulate matter on a paved roadway open to the public shall be prima facie evidence of a violation of Subsection 9.15(b).

(c) It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control apparatus.

(d) It shall be unlawful for any person to cause or allow the emission of fugitive dust in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

SECTION 9.20 MAINTENANCE OF EQUIPMENT

(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order.

(b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control apparatus not subject to paragraph (a) above unless the equipment or control apparatus is maintained in good working order.

APPEAL INFORMATION

Opportunity to Meet Prior to Commencement of Enforcement Action

Pursuant to RCW 70.94.211, a thirty (30) day period is provided to the recipient of a Notice of Violation, of an opportunity to meet with the Puget Sound Air Pollution Control Agency (hereinafter referred to as PSAPCA) prior to commencement of enforcement action. If this is your interest, please submit a written request within ten days of the date of your receipt of the Notice of Violation, including a brief statement that you believe the Agency should know prior to taking any formal enforcement action. Address the written request to PSAPCA at the address indicated below.

Appeal of Order

Any Order of PSAPCA may be appealed to the Pollution Control Hearings Board (hereinafter referred to as the PCHB) in accordance with State Law if the appeal is filed with the hearings board and served upon PSAPCA within thirty (30) days after receipt of the Order of PSAPCA. Pursuant to RCW 43.21.B.310(3), at any time during the pendency of an appeal of such an order to the hearings board, the appellant may apply to the hearings board for a stay of the order or for the removal thereof. Details concerning the contents of an appeal and or stay of an order are documented in the statutes (RCW 43.21B.310 and 320).

Appeal Procedure

Pursuant to RCW 43.21B.310, the appeal of the Order of PSAPCA shall be filed, with the PCHB and served upon PSAPCA within thirty (30) days from the date of receipt of the Order. Any appeal must contain the following in accordance with the rules of the PCHB:

The appellant's name and address;

The date and docket number of the order, permit or license appealed;

A description of the substance of the order, permit, or license that is the subject of the appeal;

A clear, separate, and concise statement of every error alleged to have been committed;

A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

A statement setting forth the relief sought.

Required procedures are detailed in state law (43.21B RCW and 70.94 RCW) and the PCHB's own regulations (Washington Administrative Code 371.08) which may be found in many public libraries or county and municipal law libraries. Since these documents are published by others, copies of same are not available from PSAPCA.

PSAPCA's address is:

Puget Sound Air Pollution
Control Agency
200 West Mercer Street, Room 205
Seattle, Washington 98119-3958

PCHB's address is:

Pollution Control Hearings Board
Environmental Hearings Office, M/S PY-21
4224-6th Ave. S.E., Bldg. #2, Rowe Six
Lacey, Washington 98504

All notices of actions in connection with the appeal (date and place of hearings, findings, etc.) will be issued by the PCHB with copies to the person filing the appeal and to PSAPCA.

AGCS2M000854



29 June 1992

JUN 30 1992

Ash Grove Cement Company
3801 East Marginal Way, South
Seattle, Washington 98134

Attention: Mr. Nathan A. Fernow
Quality Control Manager

Subject: Seattle Plant
Transmittal No.: AG92-039
PSAPCA Notice of Violation

Dear Nate:

We have completed our review of the dust emissions as noted on the PSAPCA Notice of Violation No. 28577. Our proposed corrective action plan is based on operational control and a modification to the equipment venting arrangement. Together these two (2) actions will provide a continuous positive means of helping to contain the dust within the system during shutdowns. Please review the plan and if acceptable to Ash Grove and PSAPCA, we can begin to implement the equipment modification.

CORRECTIVE ACTION PLAN

1. Operational Control

The system has been designed to operate under negative pressure at all times. During normal operation, the preheater I.D. fan maintains a negative draft at the cooler hood which prevents dust from escaping the system. When an upset condition occurs in the process which requires that kiln and preheater I.D. fan be stopped, it is possible that some dust may be released through openings at the discharge hood. At this time, it is necessary to create as much negative pressure as is possible by using the baghouse fan. All the control room operators have been instructed to pay particular attention to this mode of operational control of dust emissions during a kiln shutdown.



FULLER COMPANY
2040 Avenue C • Bethlehem, Pennsylvania 18017-2188
Telephone: 215-264-6011 • FAX: 215-264-6170
Telex: 173189 FULLERCO CAQA • Cable: COLFULLER

AGCS2M000855

Mr. Nathan A. Fernow
29 June 1992
Page 2

2. Equipment Venting Arrangement

In addition to the above operational controls, a dust collector venting arrangement is also being proposed. The intent is to vent the cooler discharge hood to the nearest dust collector located at the G-cooler. A schematic of the venting arrangement is shown on the attached drawing no. 135-92-5-1801. The existing dust collector and fan has sufficient reserve capacity to vent the discharge hood at all times without interfering with the current operation. Such an arrangement would be in operation continuously, irrespective of whether the kiln is running or not.

We assume Ash Grove will convey this plan to PSAPCA and obtain acceptance prior to any work being initiated by us.

Please let us know if you need additional information to complete your review.

Very truly yours,

FULLER COMPANY

Girish Sud
Senior Project Manager

GS:gk

Attachments